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NEWS RELEASE

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Nethercutt amendment blocking release of firearms data approved by Appropriations Committee

Law enforcement says amendment is critical to fighting violent crime

WASHINGTON – The House Appropriations Committee approved an amendment yesterday that is critical to solving criminal investigations involving guns, and also protects the privacy of gun owners. The amendment to the Treasury-Postal Operations Appropriations bill, which passed on a voice vote, was introduced by U.S. Rep. George Nethercutt (R-Wash.).

The amendment prohibits the Bureau of Alcohol, Tobacco and Firearms (ATF) from using available funds to disclose firearms tracing data. The ATF, which receives 200,000 trace data requests annually, uses the information for three primary purposes: to identify criminals for prosecution, to target gun traffickers, and to place local guns involved in a crime in a regional or national context.

“This data must remain protected to ensure the integrity of criminal investigations, but unfortunately a recent U.S. Circuit Court decision could compel law enforcement agencies to disclose this data, contrary to Freedom of Information Act law, privacy protections and Supreme Court precedent in this area,” Nethercutt said. **“This amendment is the only alternative to jeopardizing thousands of criminal cases.”**

Before the amendment, the bill stipulated that the ATF could not use funds to change the rules on the disclosure of firearms tracing data.

“I was concerned that the existing language in the bill did not go far enough toward protecting tracing data,” Nethercutt said.

This issue has come to light because of a recent court challenge by the City of Chicago seeking to gain firearms tracing data via a Freedom of Information Act (FOIA) request. The city wanted specific data including names and addresses of purchasers, dealers, manufacturers and possessors, serial numbers and recovery location of firearms, in addition to multiple handgun purchase information. The case has gone all the way to the U.S. Circuit Court of Appeals where the court found in favor of the city.

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Law enforcement officials caution that releasing this data would hinder and even jeopardize criminal investigations.

Larry Linskog, undersheriff with the Spokane County Sheriff's Office expressed concern over the potential release of ATF records saying, "This would have a chilling effect on local law enforcement's ability to trace firearms and solve horrific crimes in which firearms are used."

Linskog also commended Rep. Nethercutt's work, saying, "We stand firmly behind Rep. Nethercutt's efforts to protect the ability of those entrusted with solving felony crimes against our citizens to have ready access to this vital information without harm to those citizens who choose to exercise their constitutional rights to lawfully bear arms."

"This change ensures the integrity of criminal and intelligence investigations, and protects the safety of investigators, witnesses, informants that might otherwise be in jeopardy of unwarranted disclosure," Nethercutt said.

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